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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,633	04/02/2004	Kia Silverbrook	HYG013US	9820

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EXAMINER	
LABAZE, EDWYN	

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/815,633	SILVERBROOK ET AL.	
	Examiner	Art Unit	
	EDWYN LABAZE	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-7,12-26 and 33-43* is/are rejected.

7)☒ Claim(s) *3,8-11 and 27-32* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1112004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Receipt is acknowledged of IDS filed on 11/1/2004.

2. Claims 1-43 are presented for examination.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

4. Claims 16 and 35 are objected to because of the following informalities:

Re claims 16, 35 (pages 139 & 142; lines 15 & 8 respectively): The applicant is respectfully requested to spell out the acronym "EPC".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-2, 4-7, 12-15, 23-26, 33-34, and 42-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Bernds et al. (US 2004/0065732).

Re claims 1 and 25: Bernds et al. discloses system for contactless registration of information stored of information stored on electronic tags, which includes a receptacle body {herein shopping basket 11} adapted to receive and retain the product item (paragraph 24); and, a sensing device {herein antenna 3} adapted to sense at least some of the coded data on the interface surface of the product item as the product item is positioned in a sensing region {herein the sensing region is the area of the circumference of the opening 2} (paragraph 24); and generate, using the sensed coded data, indicating data {herein the antenna emits electro-magnetic fields to interact/interrogate the RFID tags from the items, as the items are being placed into the basket 11} indicative of the identity of the product item (paragraph 24); and transfer {herein via a transmitter 9} the indicating data to the computer system; and a user interface {herein interpreted as the reading device 4} for facilitating the interaction with the computer system {herein a central unit}, the interaction being performed using the indicating data (paragraph 29).

Re claim 2: Bernds et al. teaches a system and method, wherein the receptacle 11 has an opening 2 through which the product item {herein not shown} may be placed within the receptacle body, and wherein the sensing region {herein a detection device in the form of an antenna 3 and positioned in the circumference of the opening 2} is provided in the opening (see fig. # 1; paragraph 24).

Re claims 4 and 26: Bernds et al. discloses a system and method, wherein the sensing device transfers the indicating data to a computer/central unit adapted to receive the indicating data {such as the price of the item} (paragraph 25); determine, using the indicating data, product identity data indicative of the identity of the product item; and perform, using the product

identity data, an action {such as process information received from the detection device, totaling all the products/items placed in the basket 11} (paragraph 14-17, 25-27).

Re claims 5, 34: Bernds et al. teaches a system and method, determine, using the product identity data, product information; and transfer the product information to the user interface, the user interface being responsive to the product information to display {via display 6} the product information (paragraph 25-27).

Re claim 6: Bernds et al. teaches a system and method, wherein the receptacle includes a communication system {herein using radio frequency transmission signals} for transferring data to the computer system (paragraph 24).

Re claim 7: Bernds et al. discloses a system and method, wherein the receptacle includes at least part of the computer system {herein Bernds et al. teaches that the reading device is part of the central unit, communicates with an evaluation device, which further processes the information collected by the reading device} (paragraphs 14-16).

Re claim 12: Bernds et al. teaches and method, wherein the user is provided with an identity card {herein described as a chip-card device, which includes banking information about the user for payment after finished shopping, Bernds et al. further teaches that a standard EC or credit cards can be used for this purpose, wherein the card would include personal information related to the user}, the identity card having disposed thereon or therein coded data having a plurality of card coded data portions, each card coded data portion being indicative of an identity of the user (paragraph 18+), and wherein the sensing device is adapted to sense at least one card coded data portion when the identity card is positioned in the opening; and, generate, using the at

least one sensed card coded data portion, indicating data indicative of the identity of the user and the identity of the sensing device (paragraph 30+).

Re claim 13: Bernds et al. teaches a system and method, wherein the receptacle is at least one of a shopping cart and a shopping basket 11 (see fig. # 1; paragraphs 24+).

Re claims 14, 33: Bernds et al. discloses a system and method, wherein the action includes at least one of providing product information {such as the price of the item placed on the basket, and such information is displayed on the display 6} about the product item to the user (paragraphs 25-26).

Re claim 15: Bernds et al. teaches a system and method, wherein the action includes displaying relating to any one of the product's cost/contents/weight (paragraph 27).

Re claims 23-24 and 42-43: Bernds et al. discloses a system and method, wherein the coded data {herein the examiner interprets the coded data as ident-tag/electronic tag, which includes a memory/storage for storing information related to the product/item onto which the tag is attached, and enabling a tag-reader to read the stored information at point-of-sale. Therefore the coded data} is disposed over at least a product label (paragraph 2+).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 16-22 and 35-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernds et al. (US 2004/0065732) in view of Hohberger et al. (U. S. 6,686,829).

The teachings of Bernds et al. have been discussed above.

Bernds et al. fails to specifically teach that the coded data is indicative of an EPC {electronic product code}, redundantly coded using Reed-Solomon encoding, invisible to the unaided eye and wherein the visible marking represent product information.

Hohberger et al. discloses electronic identification system with forward error correction system, which includes a transponder 12.1, redundantly coded using Reed-Solomon encoding, invisible to the unaided eye (col.10, lines 58+).

In view of Hohberger et al.'s teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Bernds et al. an EPC, redundantly coded using Reed-Solomon encoding, invisible to the unaided eye so as to provide to provide for a high degree of fault tolerance. Furthermore, the Reed-Solomon encoding serves to correct errors in the information symbols by providing block encoding and corrects multiple symbols within a block.

Regarding the printing of the coded data using infrared ink and coincident with visible markings representing the product information, such printing means is well known in the art wherein the detection device {from the antenna} could be replaced from a scanning means {using optical reader} to read the visible/invisible markings on the product/item. Moreover, such modification would have been an obvious extension as taught by Bernds et al.

Allowable Subject Matter

9. Claims 3, 8-11, and 27-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: Although the prior art of record discloses means of notifying {acoustically} the user of other offers within a particular department as the user moves from one department {such food} to another one {home improvement} and detection device {via an antenna and RF signals}, but taken alone or in combination with any other references fails to teach laser for emitting at least one scanning beam, the scanning beam being directed in first and second orthogonal directions to thereby generate a raster scan pattern over a scanning patch, the scanning patch being provided in the sensing region such that it exposes at least one coded data portion, and wherein the computer system is adapted to, using the indicating data, add an indication of the product item to a product item list and in response to dissociation, provide the product list to the user via user interface. These limitations in conjunction with other limitations in the claimed invention were not shown by the prior art of record.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Raoul et al. (FR 2 746 529) discloses attachment to supermarket trolleys to avoid delay at checkout.

Eberhardt et al. (WO 96/41296) teaches automatically identifying objects deposited in a container.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

el
Edwyn Labaze
Patent Examiner
Art Unit 2876
May 25, 2006

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PRIMARY EXAMINER